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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,370	10/20/2003	Chuxin Chen	28787.70	2855
27683	7590	12/15/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			SUN, XIUQIN	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/689,370

Applicant(s)

CHEN ET AL.

Examiner

Xiugin Sun

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/15/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Chen et al. (U.S. Patent No. 6,668,241, hereinafter '241) in view of Husseiny (U.S. Patent No. 5210704). Both references deal with essentially the same method and system for monitoring equipment in a telecommunications network, as shown in Table 1 below:

Table 1

#10/689,370 claims	#US 6,668,241 B2 claims
1. A system for monitoring equipment in a telecommunications network, the system comprising:	1. A system for monitoring equipment in a telecommunications network, the system comprising:

<p>a monitor set including at least one of either a subset of the equipment, a review period, or a configuration for the equipment; a plurality of rules related to the monitor set, <u>wherein the rules include at least one rule usable to predict exhaustion of the equipment;</u></p> <p>means for obtaining data related to the monitor set; and</p> <p>a program for creating one or more analytical reports about the monitor set based on the rules and the data, wherein the analytical report includes a prediction of exhaustion of the equipment, wherein the program includes: an inference engine having instructions for retrieving the data from a data layer of an inventory retrieval system, determining if a match exists between the data and one or more of the rules, if a match exists, firing the rule on the data to produce an analysis and formatting the analysis into the analytical reports.</p>	<p>a monitor set including at least one of either a subset of the equipment, a review period, or a configuration for the equipment; a plurality of rules related to the monitor set;</p> <p>means for obtaining data related to the monitor set; and</p> <p>a program for creating one or more analytical reports about the monitor set based on the rules and the data, wherein the program comprises:</p> <p>an inference engine comprising instructions for retrieving the data from a data layer of an inventory retrieval system, determining if a match exists between the data and one or more of the rules, if a match exists, firing the rule on the data to produce an analysis, and formatting the analysis into the analytical reports, and</p> <p>wherein at least one of the analytical reports is in the form of a job justification story.</p> <p>2. A computer program</p> <p>7. The computer program of claim 2 wherein at least one of the analytical reports indicates a predicted exhaust condition.</p>
<p>2. The system of claim 1 wherein the at least one rule usable to predict exhaustion of the equipment includes a projected lifetime of the equipment.</p>	

<p>3. The system of claim 2 wherein the at least one rule usable to predict exhaustion of the equipment includes a capacity of the equipment.</p>	<p>9. The computer program of claim 7 wherein the predicted exhaust condition is in the form of a demand and capacity chart.</p>
<p>4. A method for monitoring equipment in a telecommunications system and predicting when the equipment will be exhausted, the method comprising:</p> <p>selecting a configuration for the equipment;</p> <p><u>defining a review for the selected configuration, the review identifying one or more rules usable to calculate exhaustion of the equipment;</u></p> <p><u>obtaining equipment related data using a separate inventory system;</u></p> <p><u>requesting the retrieval of the obtained data for the defined review so that the data can be compared to the one or more rules;</u></p> <p><u>and receiving a comparison of the data and the review.</u></p>	<p>4. The computer program of claim 2</p> <p>5. The computer program of claim 4</p> <p>wherein the third interface portion allows the user to select a configuration for the equipment from a list of predetermined possible configurations.</p>
<p>5. The method of claim 4 wherein identifying the one or more rules usable to calculate exhaustion of the equipment includes identifying at least one of a lifetime of the equipment and a capacity of the equipment.</p>	
<p>6. <u>The method of claim 4 wherein the review further identifies a review interval and/or a notification preference and wherein the data can also be compared to the review interval and/or the notification preference.</u></p>	<p>4. The computer program of claim 2 wherein the user interface provides a display screen comprising:</p> <p>.....</p> <p>a second interface portion for allowing the user to select a review period; and</p>

	<p>.....</p> <p>8. The computer program of claim 7 further comprising a remote notification program interface for reporting at least one of the analytical reports to the user through an automatic email operation.</p>
<p>7. The method of claim 4 wherein the configuration is selected from a list of predetermined possible configurations.</p>	<p>5. The computer program of claim 4 wherein the third interface portion allows the user to select a configuration for the equipment from a list of predetermined possible configurations.</p>
<p>8. The method of claim 4 wherein identifying one or more rules comprises:</p> <p>selecting a rule from a rule tree according to a rule set definition, the rule comprising an antecedent and a consequent;</p> <p>and modifying either or both of the antecedent and the consequent of the selected rule.</p>	<p>6. The computer program of claim 2 wherein the user interface provides a display screen comprising:</p> <p>a first interface portion for allowing the user to select a rule from a rule tree according to a rule set definition, the rule comprising an antecedent and a consequent; and</p> <p>a second interface portion for allowing the user to modify either or both of the antecedent and the consequent of the selected rule.</p>
<p>9. The method of claim 4 further comprising receiving the comparison as an analyzed conclusion provided through an email operation.</p>	<p>8. The computer program of claim 7 further comprising a remote notification program interface for reporting at least one of the analytical reports to the user through an automatic email operation.</p>

Table 1 shown above lists the literal difference between the claims 1, 3, 4 and 6-9 in the instant application (hereinafter '370) and the claims 1, 2 and 4-9 in '241. It is obvious that the '241 patent discloses the claimed invention recited in claims 1, 3, 4 and

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6-12 of '370 except the limitations in claims 2 and 5 and the underlined portion in claims 1, 4 and 6.

The teaching of Husseiny includes: a rule-based monitoring expert system, wherein the rules include at least one rule usable to predict exhaustion of the equipment (col. 6, lines 9-19; col. 16, lines 38-56); wherein at least one rule usable to predict exhaustion of the equipment includes a projected lifetime of the equipment (col. 6, lines 9-19; col. 16, lines 38-56; col. 21, lines 14-41); defining a review for the selected configuration, the review identifying one or more rules usable to calculate exhaustion of the equipment (cols. 14-15, lines 64-10; col. 16, lines 38-55; col. 18, lines 3-19); obtaining equipment related data using a separate inventory system (col. 13, lines 8-30; col. 18, lines 23-27); requesting the retrieval of the obtained data for the defined review so that the data can be compared to the one or more rules (col. 13, lines 8-30; col. 18, lines 23-53); and receiving a comparison of the data and the review (col. 13, lines 31-35; col. 18, lines 23-53); wherein identifying the one or more rules usable to calculate exhaustion of the equipment includes identifying at least one of a lifetime of the equipment and a capacity of the equipment (col. 6, lines 9-19; col. 16, lines 38-56; col. 21, lines 14-41); and, wherein the review further identifies a review interval and/or a notification preference and wherein the data can also be compared to the review interval and/or the notification preference (cols. 10-11, lines 62-18; cols. 14-15, lines 64-2).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseiny in the invention of '241 in order to provide a

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better rule-based monitoring expert system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of an equipment based on statistical and model data analyses (Husseiny, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

3. Claims 10-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2, 7 and 9 of U.S. Patent No. 6,668,241 B2 to Chen et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because they essentially claim patentably the same invention, as shown in Table 2 below.

Table 2

#10/689,370 claims	#US 6,668,241 B2 claims
<p>10. A system for monitoring equipment in a telecommunications network, the system comprising:</p> <p>a monitor set including at least one of either a subset of the equipment, a review period, or a configuration for the equipment;</p> <p>a plurality of rules related to the monitor set, wherein at least one rule enables a prediction of equipment exhaustion;</p> <p>means for obtaining data related to the monitor set; and</p> <p>a program for creating one or more analytical reports about the monitor set based on the rules and the data, wherein at least one of the analytical reports details a relationship between demand and capacity for at least a portion</p>	<p>1. A system for monitoring equipment in a telecommunications network, the system comprising:</p> <p>a monitor set including at least one of either a subset of the equipment, a review period, or a configuration for the equipment;</p> <p>a plurality of rules related to the monitor set;</p> <p>means for obtaining data related to the monitor set; and</p> <p>a program for creating one or more analytical reports about the monitor set based on the rules and the data, wherein the program comprises: an inference engine comprising instructions for retrieving the data from a</p>

of the equipment.	<p>data layer of an inventory retrieval system, determining if a match exists between the data and one or more of the rules, if a match exists, firing the rule on the data to produce an analysis, and formatting the analysis into the analytical reports, and wherein at least one of the analytical reports is in the form of a job justification story.</p> <p>2. A computer program for monitoring</p> <p>7. The computer program of claim 2 wherein at least one of the analytical reports indicates a predicted exhaust condition.</p> <p>9. The computer program of claim 7 wherein the predicted exhaust condition is in the form of a demand and capacity chart.</p>
11. The system of claim 10 further comprising a graphical user interface for receiving additional rules from a user and for providing the additional rules to the program.	<p>2. A computer program for monitoring at least one piece of equipment in a telecommunications network, the computer program comprising:</p> <p>a user interface for receiving one or more rules from a user and for providing one or more analytical reports of the equipment based on the rules;</p> <p>.....</p>
12. The system of claim 10 wherein the program comprises	<p>1. A system for monitoring equipment in a telecommunications network, the system comprising:</p> <p>.....</p> <p>a program for creating one or more analytical reports about the monitor set based on the rules and the data, wherein the program comprises:</p>

<p>an inference engine comprising instructions for retrieving the data from a data layer of an inventory retrieval system, determining if a match exists between the data and one or more of the rules, if a match exists, firing the rule on the data to produce an analysis, and formatting the analysis into the analytical reports,</p> <p>wherein the analytical report includes a prediction of equipment exhaustion.</p>	<p>an inference engine comprising instructions for retrieving the data from a data layer of an inventory retrieval system, determining if a match exists between the data and one or more of the rules, if a match exists, firing the rule on the data to produce an analysis, and formatting the analysis into the analytical reports, and wherein at least one of the analytical reports is in the form of a job justification story.</p> <p>2. A computer program</p> <p>7. The computer program of claim 2 wherein at least one of the analytical reports indicates a predicted exhaust condition.</p>
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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. (U.S. Pat. No. 5999179) in view of Hussein (U.S. Patent No. 5210704).

Regarding claim 1, Kekic et al. teach a system for monitoring equipment in a telecommunications network (see abstract), the system comprising: a monitor set including at least one of either a subset of the equipment (col. 6, lines 14-39), a review period (col. 18, lines 19-32 and col. 20, lines 19-21), or a configuration for the equipment (col. 46, lines 36-52); a plurality of rules related to the monitor set (col. 23,

lines 63-67 and col. 24, lines 20-28); means for obtaining data related to the monitor set (col. 8, lines 16-41; col. 15, lines 49-67; col. 18, lines 12-32, lines 45-55; col. 19, lines 1-7; col. 28, lines 6-8 and col. 36, lines 15-27); and a program for creating one or more analytical reports about the monitor set based on the rules and the data (col. 7, lines 61-67; col. 8, lines 1-41; col. 53, lines 57-67 and col. 54, lines 1-4); said program comprises: an inference engine having instructions for retrieving the data from a data layer of an inventory retrieval system (col. 3, lines 9-28; col. 16, lines 55-60; col. 18, lines 12-32, lines 45-55; col. 19, lines 1-7), determining if a match exists between the data and one or more of the rules, if a match exists, firing the rule on the data to produce an analysis, and formatting the analysis into the analytical reports (col. 8, lines 16-41 and col. 36, lines 15-27).

Kekic et al. do not mention expressly that: said rules include at least one rule unable to predict exhaustion of the equipment; wherein the analytical report includes a prediction of exhaustion of the equipment.

Husseiny teaches a rule-based monitoring expert system, wherein the rules include at least one rule unable to predict exhaustion of the equipment (col. 6, lines 9-19; col. 16, lines 38-56); an analytical report which includes a prediction of exhaustion of the equipment (col. 6, lines 9-19; col. 16, lines 38-56; col. 21, lines 14-41).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseiny in the invention of Kekic et al. in order to provide a better rule-based monitoring system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of

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an equipment based on statistical and model data analyses (Husseiny, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

Regarding claim 2, Kekic et al. disclose the system includes the subject matter discussed above except: wherein the at least one rule usable to predict exhaustion of the equipment includes a projected lifetime of the equipment.

Husseiny teaches a rule-based monitoring expert system, wherein the at least one rule usable to predict exhaustion of the equipment includes a projected lifetime of the equipment (col. 6, lines 9-19; col. 16, lines 38-56).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseiny in the invention of Kekic et al. in order to provide a better rule-based monitoring system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of an equipment based on statistical and model data analyses (Husseiny, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. in view of Husseiny, as applied to claim 1 above and further in view of Pisello et al. (U.S. Pat. No. 5678042).

Kekic et al. teach a system that includes the subject matter discussed above except that: wherein the at least one rule usable to predict exhaustion of the equipment includes a capacity of the equipment.

Pisello et al. disclose a network management system, and teach a program for creating one or more analytical reports about the monitor set, wherein at least one of

the analytical reports details a relationship between demand and capacity for at least a portion of the equipment (see Figs. 3A-B and 4A-B; col. 17, lines 19-43, lines 50-64 and col. 21, lines 55-62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Pisello et al. analytical report in the combination of Kekic and Husseiny in order to recognize a variety of current status problems and perform various trend analysis on said equipment (Pisello et al., col. 17, lines 19-21).

7. Claims 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. in view of Husseiny and Bergholm et al. (U.S. Pat. No. 5761432).

Regarding claim 4, Kekic et al. teach a method for monitoring telecommunications equipment (see abstract), the method comprising: selecting a configuration for the equipment (see Figs. 37A-37E; col. 46, lines 36-52; col. 54, lines 5-67 and col. 62, lines 7-9); defining a review for the selected configuration, the review identifying one or more rules (see Figs. 37F-37M; col. 20, lines 19-34 and col. 69, lines 7-67); obtaining equipment related data using a separate inventory system (col. 8, lines 16-41; col. 15, lines 49-67; col. 18, lines 12-32, lines 45-55; col. 19, lines 1-7; col. 28, lines 6-8 and col. 36, lines 15-27); requesting the retrieval of the obtained data for the defined review so that the data can be compared to the one or more rules (col. 8, lines 16-41; col. 15, lines 49-67; col. 18, lines 12-32, lines 45-55; col. 19, lines 1-7; col. 28, lines 6-8 and col. 36, lines 15-27); and receiving a comparison of the data and the review (col. 7, lines 61-67; col. 8, lines 1-41; col. 53, lines 57-67 and col. 54, lines 1-4).

Kekic et al. do not mention expressly that: said rules unable to calculate exhaustion of the equipment; obtaining equipment related data using a separate inventory system.

The teaching of Husseinly includes: a rule-based monitoring expert system, wherein the rules include at least one rule usable to calculate exhaustion of the equipment (col. 6, lines 9-19; col. 16, lines 38-56).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseinly in the invention of Kekic et al. in order to provide a better rule-based monitoring expert system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of an equipment based on statistical and model data analyses (Husseinly, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

Bergholm et al. disclose a method and system for providing an efficient use of telecommunication network resources, and teach the step and means of obtaining equipment related data using a separate inventory system (see Abstract; Fig. 1; col. 1, lines 15-27; col. 2, line 64 to col. 3, line 5; col. 3, lines 30-45, lines 63-67; col. 5, lines 8-13; col. 7, lines 14-40 and col. 15, lines 42-50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Bergholm inventory system in the Kekic system in order to monitor the network equipments located in various control pointes more efficiently (Bergholm et al., col. 1, lines 15-27).

Regarding claim 6, Kekic et al. do not mention: wherein the review further identifies a review interval and/or a notification preference and wherein the data can also be compared to the review interval and/or the notification preference.

The teaching of Husseinly includes: a review interval and/or a notification preference and wherein the data can also be compared to the review interval and/or the notification preference (cols. 10-11, lines 62-18; cols. 14-15, lines 64-2).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseinly in the invention of Kekic et al. in order to provide a better rule-based monitoring expert system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of an equipment based on statistical and model data analyses (Husseinly, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

Regarding claims 7 and 8, the teaching of Kekic et al. further includes: said configuration is selected from a list of predetermined possible configurations (see Figs. 37A-37E and col. 37, lines 20-50; col. 50, lines 64-67 ad col. 51, lines 1-7); said step of identifying one or more rules comprises: selecting a rule from a rule tree according to a rule set definition (col. 23, lines 63-67 and col. 24, lines 20-28), the rule comprising an antecedent and a consequent (col. 6, lines 49-56; col. 69, lines 8-15); and modifying either or both of the antecedent and the consequent of the selected rule (col. 40, lines 34-67; col. 41, lines 1-3, lines 24-33, lines 63-67; col.42, lines 1-24).

Regarding claim 9, the Examiner takes official notice that an automatic email operation is a well-known practice in the art to communicate with a remote user. It

would have been obvious to include such a feature in the method of Kekic et al. as one of the notification formats for the purpose of reporting said comparison results to remote users.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. in view of Husseiny and Bergholm et al., as applied to claim 4 above, and further in view of Pisello et al..

Kekic et al. in view of Husseiny and Bergholm et al. teach the method that includes the subject matter discussed above except: wherein identifying the one or more rules usable to calculate exhaustion of the equipment includes identifying at least one of a lifetime of the equipment and a capacity of the equipment.

Husseiny teaches a rule-based monitoring expert system, wherein a step of identifying the one or more rules usable to calculate exhaustion of the equipment includes identifying at least one of a lifetime of the equipment (col. 6, lines 9-19; col. 16, lines 38-56).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseiny in the invention of Kekic et al. in order to provide a better rule-based monitoring expert system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of an equipment based on statistical and model data analyses (Husseiny, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

Pisello et al. disclose a network management system, and teach a method for creating one or more analytical reports about the monitor set, including a step of

identifying a capacity of the equipment (see Figs. 3A-B and 4A-B; col. 17, lines 19-43, lines 50-64 and col. 21, lines 55-62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Pisello et al. analytical report in the combination of Kekic and Husseiny in order to recognize a variety of current status problems and perform various trend analysis on said equipment (Pisello et al., col. 17, lines 19-21).

9. Claim 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic et al. in view of Husseiny and Pisello et al..

Regarding claim 10, Kekic et al. teach a system for monitoring equipment in a telecommunications network (see abstract), comprising: a monitor set including at least one of either a subset of the equipment (col. 6, lines 14-39), a review period (col. 18, lines 19-32 and col. 20, lines 19-21), or a configuration for the equipment (col. 46, lines 36-52); a plurality of rules related to the monitor set (col. 23, lines 63-67 and col. 24, lines 20-28); means for obtaining data related to the monitor set (col. 8, lines 16-41; col. 15, lines 49-67; col. 18, lines 12-32, lines 45-55; col. 19, lines 1-7; col. 28, lines 6-8 and col. 36, lines 15-27); and a program for creating one or more analytical reports about the monitor set based on the rules and the data (col. 7, lines 61-67; col. 8, lines 1-41; col. 53, lines 57-67 and col. 54, lines 1-4).

Kekic et al. do not mention expressly: wherein at least one rule enables a prediction of equipment exhaustion; wherein at least one of the analytical reports details a relationship between demand and capacity for at least a portion of the equipment.

Husseiny teaches a rule-based monitoring expert system wherein at least one rule enables a prediction of equipment exhaustion (col. 6, lines 9-19; col. 16, lines 38-56).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseiny in the invention of Kekic et al. in order to provide a better rule-based monitoring system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of an equipment based on statistical and model data analyses (Husseiny, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

Pisello et al. teach a program for creating one or more analytical reports about a monitor set, wherein at least one of the analytical reports details a relationship between demand and capacity for at least a portion of the equipment (see Figs. 3A-B and 4A-B; col. 17, lines 19-43, lines 50-64 and col. 21, lines 55-62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Pisello et al. analytical report in the invention of Kekic et al. in order to recognize a variety of current status problems and perform various trend analysis on said equipment (Pisello et al., col. 17, lines 19-21).

Regarding claim 11, Kekic et al. further teach: a graphical user interface for receiving additional rules from a user and for providing the additional rules to the program (see Figs. 23-26; col. 6, lines 49-56; col. 40, lines 34-67; col. 41, lines 1-3, lines 24-33).

Regarding claim 12, Kekic et al. further teach: said program comprises: an inference engine having instructions for retrieving the data from a data layer of an inventory retrieval system (col. 3, lines 9-28; col. 16, lines 55-60; col. 18, lines 12-32, lines 45-55; col. 19, lines 1-7), determining if a match exists between the data and one or more of the rules, if a match exists, firing the rule on the data to produce an analysis, and formatting the analysis into the analytical reports (col. 8, lines 16-41 and col. 36, lines 15-27).

Kekic et al. do not mention: wherein the analytical report includes a prediction of equipment exhaustion.

Husseiny teaches a rule-based monitoring expert system, wherein the analytical report includes a prediction of equipment exhaustion (col. 6, lines 9-19; col. 16, lines 38-56).

It would have been obvious to one having ordinary skill in the art at the time was made to include the teachings of Husseiny in the invention of Kekic et al. in order to provide a better rule-based monitoring system that is capable of examining the predictability of the system for predicting future trends and estimates of remaining life of an equipment based on statistical and model data analyses (Husseiny, Abstract; col. 6, lines 9-19; col. 16, lines 38-56).

Contact Information

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280.

The examiner can normally be reached on 6:30am-4:00pm.

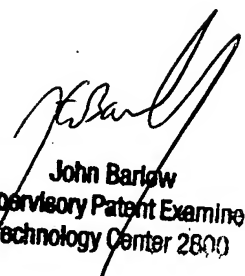
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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XS

December 6, 2005


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